IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 24224 of 2007(H)

PETITIONER:

G.P.DINESH KUMAR,
5/560, "VELS FARM", ANAGHATTIMEDU, GOVINDAPURAM PO
MUDALAMADA VILLAGE, CHITTOOR TALUK, PALAKKAD DIST.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. STATE OF KERALA, REP.BY
SECRETARY TO HOME DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

2. N.N.KRISHNA DAS,
MEMBER OF PARLIAMENT, PALAKKAD.

3. INSPECTOR GENERAL OF POLICE,
NORTHERN RANGE, I.G.P'S OFFICE,
NADAKKAVU, CALICUT- 673 011.

4. DEPUTY INSPECTOR GENERAL OF POLICE,
D.I.G'S OFFICE, TRICHUR.

5. SUPERINTENDENT OF POLICE,
PALAKKAD DISTRICT, S.P'S OFFICE, PALAKKAD.

6. DEPUTY SUPERINTENDENT OF POLICE,
ALATHUR, PALAKKAD DISTRICT.

7. P.VAHID, CIRCLE INSPECTOR OF POLICE,
KOLLENCODE, PALAKKAD.

8. ULLAS, S.I. OF POLICE,
KOLLENCODE, PALAKKAD.

9. V.SUDEVAN (SUSPENDED FROM CPM),
ARE COMMITTEE SECRETARY, CPI(M) PARTY OFFICE,
CHITTOOR, PALAKKAD.

10. N.KANAKAVEL GOUNDER,
S/O NALLIMUTHU GOUNDER, VELS HIGH YIELD FARM,
NEAR SIPCOT, MANA MOUDRA, TAMIL NADU STATE.

11. N.SENTHIL VEL GOUNTER,
S/O NALLIMUTHU GOUNDER,
VELS HIGH YIELD FARM, NEAR SIPCOT,
MANA MAUDRA, TAMIL NADU STATE.

12. INDIAN BANK, REP.BY ITS
MANAGER/PRINCIPAL OFFICER,
VADAKARAPATHY BRANCH, KOZHINJAMPARA P.O.,
PALAKKAD.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF CERTIFICATE FROM TAHSILDAR, CHITTOOR REGARDING NAME AND IDENTITY OF THE PETITIONER.

EXT.P2: TRUE COPY OF PARTNERSHIP DEED DATED 26.12.1988 BY ARUMUGA SUNDARAM AND OTHERS.

EXT.P3: TRUE COPY OF LEASE AGREEMENT DATED 28.02.2003 BETWEEN KANAKAVEL THE 10TH RESPONDENT AND THE PETITIONER.

EXT.P4: TRUE COPY OF LEASE AGREEMENT DATED 18.3.05 BETWEEN KANAKAVEL AND 5 OTHERS OF ONE PART AND THE PETITIONER OF THE OTHER PART.

EXT.P5: TRUE COPY OF LEASE AGREEMENT DATED 18.3.05 BETWEEN MANIMEGALAI AND 2 OTHERS OF THE ONE PART AND THE PETITIONER OF THE OTHER PART.

EXT.P6: TRUE COPY OF ENCUMBRANCE CERTIFICATE DATED 12.4.05 RELATING TO THE PROPERTY IN DISPUTE.

EXT.P7: TRUE COPY OF CHITTOOR TAHSILDAR'S HEARING NOTICE DATED 8.8.05 ISSUED TO THE PETITIONER AND OTHERS.

EXT.P8: TRUE COPY OF ARGUMENT NOTES DATED 11.8.05 BY THE PETITIONER SUBMITTED BEFORE TAHSILDAR, CHITTOOR.

EXT.P9: TRUE COPY OF POSSESSION CERTIFICATE ISSUED TO THE PETITIONER BY TAHSILDAR CHITTOOR.

EXT.P10: TRUE COPY OF CERTIFICATE ISSUED BY INDIAN BANK VADAKARAPATHY BRANCH.

EXT.P11: TRUE COPY OF ADVOCATE COMMISSIONER'S REPORT IN O.S.18 OF 2004 OF SUB COURT, PALAKKAD.

EXT.P12: TRUE COPY OF JUDGMENT DATED 4.6.04 BY HIGH COURT OF KERALA IN WPC.16745 OF 2004 FILED BY THE PETITIONER.

EXT.P13: TRUE COPY OF JUDGMENT DATED 16.11.04 IN PETITIONER'S SUIT O.S.18/04 SUB COURT, PALAKKAD.

EXT.P14: TRUE COPY OF LETTER DATED 13.4.05 BY DY.S.P. ALATHUR TO S.I OF POLICE KOLLENGODE.

EXT.P15: TRUE COPY OF CERTIFICATE DT.15.4.05 ISSUED BY SECRETARY MUTHALAMADA GRAMA PANCHAYAT.

EXT.P16: TRUE COPY OF F.I.R NO.306/05 DT.21.9.05 OF KOLLENGODE POLICE STATION.

EXT.P17: TRUE COPY OF LETTER DATED 19.6.06 FROM INDIAN BANK, VADAKARAPATHY TO THE PETITIONER.

EXT.P18: TRUE COPY OF LETTER DATED 2.10.06 FROM HOME MINISTER, SRI.KODIYERI BALAKRISHNAN TO M.L.A SRI.CHENTHAMARAKSHAN.

EXT.P19: TRUE COPY OF BUILDING TAX RECEIPT DATED 12.1.04 ISSUED BY MUTHALAMADA GRAMA PANCHAYAT TO CHENNIVEL GOUNDER FOR HOUSE NO.55/XII.

EXT.P20: TRUE COPY OF F.I.R NO.27/07 DT.6.2.07 OF KOLLENGODE POLICE STATION ON COMPLAINT BY THE PETITIONER AGAINST KANAKAVEL AND OTHERS.

EXT.P21: TRUE COPY OF MEMORANDUM OF WRIT PETITION WPC.6694/07.

EXT.P22: TRUE COPY OF REPLY AFFIDAVIT DT.13.3.07 BY THE PETITIONER.

EXT.P23: TRUE COPY OF ORDER DT.28.2.07 BY HIGH COURT OF KERALA IN WPC.6694/07.

EXT.P24: TRUE COPY OF COUNTER AFFIDAVIT BY 7TH RESPONDENT IN WPC.6694 OF 2007.

EXT.P25: TRUE COPY OF RESIDENTIAL CERTIFICATE DATED 2.2.07 ISSUED TO CHENNIVEL GOUNDER IN RELATION TO HOUSE NO.XII/55.

EXT.P26: TRUE COPY OF RECEIPT DATED 13.2.07 ISSUED BY I.G OF POLICE (NR KOZHIKODE) FOR RECEIPT OF PETITION FILED BEFORE HIM AND

EXT.P26(a): TRUE COPY OF PETITION RECEIPT DT.15.2.07 ISSUED BY KOZHIKODE DISTRICT SUPERINTENDENT OF POLICE.

EXT.P27: TRUE COPY OF LETTER DT.8.2.07 BY PETITIONER TO S.P OF POLICE.

EXT.P28: TRUE COPY OF REPORT DT.14.4.07 BY INVESTIGATING OFFICER IN CRIME NO.27/07 TO ADD SECTION 395 I.P.C AGAINST THE ACCUSED.

EXT.P29: NEWSPAPER CUTTING FROM NEW INDIAN EXPRESS DAILY DATED 25.6.07.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.24224 of 2007

Dated this the 12th day of November, 2007

JUDGMENT

The grievance of the petitioner when he filed this petition under Article 226 of the Constitution of India was that no proper investigation is being conducted into Crime No.27 of 2007 of Kollamkode Police Station.

2. It is now reported that investigation is complete and final report has already been filed. 44 persons have been arrayed as accused and they face allegations for offences punishable, inter alia, under Section 395 I.P.C. Final report has been filed before the Magistrate. Proceedings are pending before the Magistrate.

3. The petitioner does not appear to be satisfied with the final report filed. Copy of the final report has already been made available to the counsel for the petitioner. If the petitioner is not satisfied with the outcome of the investigation, he certainly has the right to make his representation before the learned Magistrate about the inadequacies/insufficiencies in the investigation, in which objections, the learned Magistrate is bound to consider and pass appropriate orders.

4. Reserving the right of the petitioner to go before the Magistrate and raise objections if any against the final report filed, this Writ Petition is dismissed.

(R.BASANT, JUDGE)

rtr/-